

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**STATION GVR ACQUISITION, LLC d/b/a
GREEN VALLEY RANCH RESORT SPA CASINO**

and

Case 28-CA-211043

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO**

**OPPOSITION TO AND MOTION TO STRIKE CHARGING PARTY'S JOINDER IN
MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR REMEDIES**

Pursuant to National Labor Relations Board ("Board") Rule 102.24(b), Respondent Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino ("GVR") hereby opposes and moves to strike the "Joinder in Motion for Summary Judgment and Request for Remedies" ("Motion") filed by the Charging Party International Union of Operating Engineers Local 501, AFL-CIO ("Union") in the above-captioned matter.

The Motion is nothing more than a laundry list of extraordinary remedies, provided without any factual or legal reason, basis or support. The remedies sought by the Union are unwarranted special remedies requiring specific factual support, and would have been inappropriate for summary judgment. See, e.g., *First Legal Support Servs., LLC*, 342 NLRB 350, 351 (2004) ("Because these remedies are "extraordinary," it must be demonstrated, as a precondition for granting them, why traditional remedies will not sufficiently ameliorate the effect of the unfair labor practices found.") Because the Motion is bereft of any such support, the remedies must be denied. See, e.g., *Federated Logistics & Operations v. NLRB*, 400 F.3d 920, 929-30 (D.C. Cir. 2005); *Chinese Daily News*, 346 NLRB 906, 909 (2006) ("extraordinary" notice-reading remedy not appropriate, because "neither the General Counsel nor the dissent

have offered any evidence to show that the Board's traditional remedies are insufficient” to remedy multiple violations); *Register Guard*, 344 NLRB 1142, 1146 n.16 (notwithstanding multiple 8(a)(1) violations, “the Charging Party has not shown a basis for imposing” a notice-reading remedy); *First Legal Support Servs.*, 342 NLRB at 350 n.6 (additional remedies not warranted where “[n]either the General Counsel nor our dissenting colleague has shown that traditional remedies are so deficient here to warrant imposing” additional remedies).

Further, the Motion should be stricken as it is a transparent and wasteful abuse of the Board’s processes in an effort to manufacture “aggrieved party” status, even when the Union achieved the very result it sought in the above-captioned matter. Relatedly, in another matter involving GVR’s technical refusal to bargain with the Union, the General Counsel has moved for dismissal of the a Petition for Review filed by the Union in the Ninth Circuit because the Union has no lawful basis to claim that it was aggrieved by the Board’s ruling and thus no standing to seek appellate review under Section 10(f). Exhibit 1. GVR filed a joinder in the GC’s motion to the Ninth Circuit. Exhibit 2. The Motion is nothing more than another effort by the Union to claim legally cognizable grievance where none exists. Accordingly, the Board should strike the Motion.

For the reasons set forth above, Respondent Station GVR Acquisition, LLC d/b/a Green Valley Ranch Resort Spa Casino requests that the Union’s Joinder in Motion for Summary Judgment and Request for Remedies be denied, and stricken.

Date: July 9, 2018

Respectfully Submitted,

/s/ Harriet Lipkin

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CERTIFICATE OF SERVICE

I hereby certify this 9nd day of July, 2018, that a copy of the Opposition to and Motion to Strike Charging Party's Joinder in Motion for Summary Judgment and Request for Remedies was served via email and first class mail to:

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